

Serial No. 10/646,192

PATENT  
Docket No. 54317-030700REMARKS

The Office Action mailed July 29, 2005 and the rejections cited therein have been carefully considered.

Claims 4-16, 18-35, 37, 41-48, 52-59, 61, 63, and 72-100 are pending. Claims 13, 18, 20, 23, 25, 27, 31, 41, 53-58, 73-75, 77-79 and 82 are amended with this response. Claims 1-3, 17, 36, 38-40, 49-51, and 69-71 are canceled without prejudice or disclaimer. Claims 83-100 are newly added with this response. Claims 60, 62, and 64-68 are withdrawn from consideration.

Claim Objections

In response to the Examiner's objections to claims 13, 23-24, 27, 31, 50-51, 53-55, 57-58, 65-66, 68, 70-71, 73-75, 77-79, the following amendments have been made.

Claim 13 is amended to correctly recite "viewing by a user".

Claim 23 is amended to provide antecedent basis for the "remote hardware device."

Claims 27 and 31 are amended to correct typographical errors.

Claims 50-51 are cancelled without prejudice or disclaimer.

Claims 53-55 are amended to depend from the method claim 52.

Claims 57-58 are amended to depend from the method claim 56.

Claims 65-66 are withdrawn from consideration at this time.

Claims 70-71 are cancelled without prejudice or disclaimer.

Claims 73-75 are amended to depend from the method claim 72.

Claims 77-79 are amended to depend from the method claim 76.

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Claims 24, 68, and 77-79 were mentioned as being objected to, but no description of the specific objection was included. Clarification is requested.

The amendments made in claims 13, 23, 27, 31, 53-55, 57-58, 65-66, 73-75, and 77-79 are only typographical or grammatical in nature and are not related to prior art. Accordingly, these amendments are made for clarification purposes only. No new matter is introduced by these amendments.

Election/Restriction

The Examiner has required that restriction of the following inventions be made under 35 U.S.C. § 121:

- I. Claims 1-59, 61, 63, 69-82, drawn to a system for automatically storing movie broadcast from the content provider into a storage device at set top box, classified in class 725, subclass 87.
- II. Claims 60, 62, drawn to the method for displaying data on the window that permits a remote user to view a showcasing, classified in class 725, subclass 44.
- III. Claims 64-68, drawn to a method of broadcasting and recording audio content to a hardware device, classified in class 386, subclass 39.

Responsive to the Examiner's requirement, Applicant elects, with traverse, Group I, which corresponds to claims 1-59, 61, 63, and 69-82.

Claims 60, 62, and 64-68 are therefore withdrawn from consideration.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 3-10, 12-42, 49, 52, 56, 59, 61, 69, 71-77, and 79-82 are rejected under 35 U.S.C. §102(e) as anticipated by US Application No. 2002/0056118 to Hunter et al (hereinafter Hunter).

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A discussion of each of the independent claims follows.

**Independent Claim 4**

Independent claim 4 recites “permitting analysis of the metadata to determine when to make the movie available for viewing.”

The Examiner rejects claim 4, stating the limitation is met by “analyzing the header information to alert the customer that the recording are available” and cites paragraphs 0139 and 0217 of Hunter. However, paragraphs 0139 and 0217 of Hunter only describe “communicating header information” and a user interface which “alerts the customer that the recordings are available by a cue such as ‘YOU’VE GOT FLICKS.’” In other words, Hunter merely describes displaying a message to the user notifying the user a movie is available for viewing. Hunter does not determine when to make the movie available for viewing. Such determination would require additional steps beyond simply displaying a message to the user notifying a movie is present.

Applicants submit that claim 4 is allowable over Hunter because Hunter does not teach analysis of the metadata to determine when to make the movie available for viewing.

Further, claims 5-9 which depend from claim 4 are also allowable over Hunter.

Furthermore, with respect to the rejection of claim 6, Applicants disagree with the Examiner’s statement that it is inherent that associated metadata comprises information such as time stamps which determine begin and end dates for permitted movie viewing. The Examiner does not provide a basis for this conclusion. Applicants submit that it is not inherent that the associated metadata comprises information such as time stamps which determine begin and end dates for permitted movie viewing.

**Independent Claim 10**

Independent claim 10 recites “making movies available for viewing by the user at a time pre-determined by the content provider.”

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The Examiner rejects claim 10, stating that Hunter's graphical user interface which alerts the customer that recordings are available (par. 0139) reads on this feature.

However, as discussed with respect to claim 4, Hunter merely describes displaying a message to the user notifying the user a movie is available for viewing. Hunter does not teach or suggest making movies available for viewing by the user at a time pre-determined by the content provider.

Claim 10 further recites "effecting removal of the movie data at a time pre-determined by the content provider." The Examiner contends that this feature is met by Hunter which discloses the movies as being available to the customer over a period of time before they are overwritten or deleted, citing paragraphs 0141, 0144, and 0147.

Applicants submit that the Examiner is mischaracterizing Hunter.

Hunter simply describes that "the objective is ... to have available... a large percentage of the movies that any particular customer may be interested in at any given time - or at least have those movies available over a period of time as new entries into storage overwrite older entries" (Hunter, Paragraph 0141).

In actuality, Hunter employs a "first in, first out" protocol. When new movies are downloaded to the set top box, older movies already stored on the set top box are overwritten. Hunter describes how each movie remains in storage for approximately two weeks, stating the "exact time depending upon how many customer-selected movies are downloaded during that period."

At paragraph 0144, Hunter mentions a "different protocol that will overwrite the less likely to be purchased movies ahead of those recordings which, by analysis at 340 show more promise of being viewed by the customer."

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Even still, Hunter describes a system where movies are ONLY deleted in order to make room for another newly received movie. Therefore, removal of content is strictly a function of available storage space. When a new movie is received at the set top box, another movie may need to be removed in order to make space. Whether the movie to be deleted is an older movie, or the least likely to be viewed, is irrelevant. Hunter does not describe or suggest any alternative to such a protocol.

Therefore, Applicants submit that claim 10 is further allowable over Hunter because Hunter does not teach or suggest effecting removal of the movie data at a time pre-determined by the content provider.

Further, claims 11-16 which depend from claim 10 are also allowable over Hunter.

#### Independent Claim 18

Independent claim 18 recites “remotely controlling when to make data available for viewing by the user.” The Examiner asserts this limitation is met by Hunter’s mere display of the message ‘YOU’VE GOT FLICKS.’ Applicants submit that claim 18 is allowable over Hunter for the reasons discussed above with respect to claim 4. Hunter does not teach or disclose remotely controlling when to make data available for viewing by the user.

Claim 18 additionally recites “remotely controlling when to remove data from the set top box.”

The Examiner refers to paragraphs 0141, 0144, and 0147 of Hunter, stating “content provider and/or system operator controls period of time the movie data remain in storage before they are overwritten or deleted.”

However, Applicants submit that this statement is not a proper characterization of Hunter. Claim 18 is allowable over Hunter for the reasons discussed above with respect to claim 4. Hunter does not teach or disclose remotely controlling when to remove data from the set top box.

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Further, claims 19-22, and 80-82 which depend from claim 18 are also allowable over Hunter.

**Independent Claim 23**

Independent claim 23 recites "providing software for operating on the remote hardware device to process the metadata and manage the content according to its associated metadata."

The Examiner rejects claim 23, asserting Hunter discloses providing software for operating on the user station to process metadata such as scheduling data, price data, header information, etc. (par. 0065-0075, and 0139)

At paragraph 0065, Hunter describes "encoded programming data ... is transmitted to a decoder" and "programming data includes video/audio content, content availability/scheduling data and content pricing data."

However there is no discussion of providing software to process such data. Furthermore, there is no teaching in Hunter of "managing content according to its associated metadata."

The Examiner is respectfully requested to more specifically point out where such teaching is found within Hunter.

Applicants submit that claim 23 is allowable over Hunter because Hunter does not teach or disclose software being programmed to analyze the metadata to determine when to make a movie available for viewing.

Claim 24 which depends from claim 23 is therefore allowable over Hunter.

Furthermore, with respect to the rejection of claim 24, Applicants disagree with the Examiner's statement that inherently, metadata comprises information indicating when to make content available to the viewer and when to remove content from the remote hardware device.

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PATENT  
Docket No. 54317-030700**Independent Claim 26**

Independent claim 26 recites “software being programmed to ... analyze the metadata to determine when to make a movie available for viewing.” Applicants submit that claim 26 is allowable over Hunter for the reasons discussed above with respect to claim 4. Hunter does not teach or disclose software being programmed to analyze the metadata to determine when to make a movie available for viewing.

Further, claims 27-29 which depend from claim 18 are also allowable over Hunter.

**Independent Claim 30**

Independent claim 30 recites “making one or more of the movies available to the user at a time predetermined by the content provider.”

Applicants submit that claim 30 is allowable over Hunter for the reasons discussed above with respect to claims 4 and 10. Hunter does not teach or disclose making one or more of the movies available to the user at a time predetermined by the content provider.

Claims 31-33 which depend therefrom are therefore also allowable in view of Hunter.

**Independent Claim 37**

Independent claim 37 recites “analyzing the associated data to determine when the movies should be made available for viewing.”

Applicants submit that claim 37 is allowable over Hunter for the reasons discussed above with respect to claim 4. Hunter does not teach or disclose analyzing the associated data to determine when the movies should be made available for viewing.

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Docket No. 54317-030700**Independent Claim 41**

Amended independent claim 41 recites “a processor for executing software, ... and for processing user input command to permit access to the stored movie data under predetermined control conditions derived from metadata.”

Applicants submit amended claim 41 is allowable over Hunter because Hunter does not teach or suggest permitting access to the stored movie data under predetermined control conditions derived from metadata.

Claims 42 and 76-79 which depend from claim 41 are also allowable in view of Hunter.

With respect to claim 78, the Examiner fails to make any rejection with respect to the processor reacting to modem activity, as is present in claim 78. Instead, the Examiner takes Official Notice with respect to simultaneously playing a video and reacting to signals from the remote control.

Furthermore, Applicants traverse the Examiner’s Official Notice. The Examiner states that “simultaneously play a video and reacts to signal from a remote control is well known in the art.” Furthermore, the Examiner does not provide any evidence to support his conclusion that simultaneously playing a video, reacting to signals from a remote control and modem activity is well known in the art. As the Examiner notes, even the art relied upon does not disclose such a feature. Documentary evidence supporting this conclusion is respectfully requested.

**Independent Claim 52**

Independent claim 52 includes “analyzing the metadata to determine when to make a movie available for viewing.”

Applicants submit that claim 52 is allowable over Hunter for the reasons discussed above with respect to claim 4. Hunter does not teach or suggest analyzing metadata to determine when to make a movie available for viewing.

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Claims 53-55 which depend from claim 52 are therefore also allowable in view of Hunter.

**Independent Claim 56**

Independent claim 56 recites "selecting movies for viewing by the user at a time pre-determined by the content provider, the selected movie having previously been stored on the set top box."

Applicants submit that claim 56 is allowable over Hunter for the reasons discussed above with respect to claim 10. Hunter does not teach or suggest a user selecting movies for viewing at a time pre-determined by the content provider, the selected movie having previously been stored on the set top box.

Claim 56 also recites "removing the movie data representing one or more movies stored on the set top box at a time pre-determined by the content provider."

Applicants submit that claim 56 is allowable over Hunter for the reasons discussed above with respect to claim 10. Applicant submits claim 56 is allowable over Hunter because Hunter does not teach or suggest removing the movie data representing one or more movies stored on the set top box at a time pre-determined by the content provider.

Claims 57-58 which depend from claim 56 are also allowable in view of Hunter.

**Independent Claim 59**

Independent claim 59 recites "storing for a predetermined time on the set top box the movie data broadcast from the content provider onto the set-top box, the predetermined time being established by the content provider."

Applicants submit that claim 59 is allowable over Hunter for the reasons discussed above with respect to claim 10. Applicants submit that claim 59 is allowable over Hunter because

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Hunter does not teach storing movie data for a predetermined time on the set top box, the predetermined time established by the content provider.

Claims 61 and 63 which depend from claim 59 are also allowable over Hunter.

**Independent Claim 72**

Independent Claim 72 recites “permitting analysis of the metadata to determine when to make the video available for viewing.”

Applicants submit that claim 72 is allowable over Hunter for the reasons discussed above with respect to claim 4. Applicants submit that claim 72 is allowable over Hunter because Hunter does not teach permitting analysis of the metadata to determine when to make the video available for viewing.

Further, claims 73-75 which depend from claim 72 are also allowable over Hunter.

In sum, Hunter does not teach all the elements of independent claims 4, 10, 18, 23, 26, 30, 37, 41, 52, 56, and 59. At least for the foregoing reasons, Applicant submits that independent Claims 4, 10, 18, 23, 26, 30, 37, 41, 52, 56, and 59 are not anticipated by Hunter. Therefore, Applicant submits that independent claims 4, 10, 18, 23, 26, 30, 37, 41, 52, 56, and 59 are in condition for allowance.

Likewise, claims 5-9, 11-16, 19-22, 24-25, 27-29, 31-35, 42, 53-55, 57-58, 61, 63, and 73-82 which depend therefrom should be allowed.

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejects claims 11 and 78 under 35 U.S.C. § 103(a) as being unpatentable over Hunter.

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Claim 11 depends from independent claim 10 and should be allowable in view of the arguments above with respect to claim 10. Amended claim 78 depends from claim 41 and should be allowable in view of the arguments above with respect to claim 41.

The Examiner rejects claims 43-48, 51, 53-55, 57-58 under 35 U.S.C. § 103(a) as being unpatentable over Hunter in view of US Patent No. 6,757,909 to Maruo.

The Examiner rejects claim 43 which includes "a smart card secured to a circuit board of the receiver" and cites Maruo. Maruo, however, discloses "a smart card 525 which is inserted into interface card 530 of the receiver".

It is well known that smart cards are external cards resembling a credit card, traditionally used in a removable fashion. Maruo discloses use of a smart card in accordance with such well known practice. However, Maruo does not teach "a smart card secured to a circuit board of the receiver."

Claim 43 should therefore be allowed. Similarly, claims 44-48 which depend from claim 43 should also be allowed.

#### Newly Added Claims

Claims 83-100 are newly added with this response.

Claims 83-90 refer to a method of remotely deleting content from a set top box. Claims 91-94 refer to a method of remotely managing content from a set top box. Claims 83-94 are allowable in view of the arguments made above with respect to claims 10, 18, 56, and 59.

Claims 95-100 refer to a method of displaying available movies on a set top box. Claims 95-100 are allowable in view of Hunter, as Hunter does not teach or disclose transmitting metadata to the set top box so that the metadata is analyzed to determine if pre-determined criteria is met, the content being made available for viewing if the pre-determined criteria is met.

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It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,

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